

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Same Day Processing, Inc.;
44 North Lists LLC;
Right Donor Builders PDM LLC; and
The Free USA, LLC

Plaintiffs/Counterclaim Defendants

vs.

Gabriel Franck

Defendant/Counterclaim Plaintiff

vs.

Thomas Datwyler

Third Party Defendant.

Civil No. 23-731

**PLAINTIFFS/COUNTERCLAIM
DEFENDANTS AND THIRD-PARTY
DEFENDANT'S MOTION TO DISMISS
COUNTERCLAIMS AND THIRD-
PARTY CLAIMS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiffs and Counterclaim Defendants Same Day Processing, Inc. ("SDP"), 44 North Lists LLC ("44 North"), Right Donor Builders PDM LLC ("RDB"), and The Free USA, LLC ("The Free USA"), together with Third Party Defendant Thomas Datwyler ("Datwyler) respectfully move to dismiss the Counterclaims & Third-Party Claims filed by Defendant/Counterclaim Plaintiff Gabriel Franck ("Franck"). The Motion is based on the accompanying memorandum of points and authorities, the declaration of Thomas Datwyler attached concurrently hereto, the pleadings and records on file herein, and upon such other documents and oral argument as may be presented at the hearing on this Motion.

Dated: December 22, 2023

BY: /s/ Andrew C. Gresik

Roberta F. Howell
Andrew C. Gresik
Foley & Lardner LLP
150 East Gilman Street
Madison, WI 53703
Telephone: (608) 258-4273
Facsimile: (608) 258-4258
rhowell@foley.com
agresik@foley.com

Lauren W. Linderman (*pro hac vice*)
Faegre Drinker Biddle & Reath LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
Telephone: (612) 766-7000
Facsimile: (612) 766-1600
lauren.linderman@faegredrinker.com

Katlyn M. Moseley (*pro hac vice*)
1500 K Street, Suite 1100
Washington, DC 20005
Telephone: (202) 842-8800
Facsimile: (202) 842-8465
katlyn.moseley@faegredrinker.com

***Attorneys for Plaintiffs/Counterclaim Defendants
and Third-Party Defendant***

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system and was served on the following by email:

Kristopher J. Krentz
P.O. Box 865
Osceola, WI 54020
Kris@Krentzlaw.com
952.905.3291

Dated: December 22, 2023

/s/ Andrew C. Gresik